REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1, 3-12, 14-15, and 21-27 were pending in the application, of which Claims 1, 8, 12, and 15 are independent. In the Office Action dated April 3, 2006, Claims 1, 3-4, 12, 14-15, 21, 23-24, and 26 were rejected under 35 U.S.C. § 102(e) and Claims 5-11, 22, 25, and 27 were rejected under 35 U.S.C.§ 103(a). Following this response, Claims 1, 3-12, 14-15, and 21-27 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I.   Rejection of the Claims Under 35 U.S.C. § 102(e)

In the Office Action dated April 3, 2006, the Examiner rejected Claims 1, 3-4, 12, 14-15, 21, 23-24, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,295,540 ("Sanschagrin"). Claims 1, 12, and 15 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "maintaining a mass storage device, the mass storage device comprising a SONETCAP application, the SONETCAP application comprises instructions for communicating with the network element, a TL1 script database, the TL1 script database comprises a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol." Amended Claims 12 and 15 each includes a similar recitation. Support for the amendments can be found in the specification at least on page 8, lines 11-26.

Consistent with an embodiment of the present invention, a number of programs modules may be stored in a mass storage device 30. (*See* page 8, line 11.) In particular, the mass storage device 30 may store a SONETCAP application 41, a TL1 script database 38, a telemetry assignment system ("TAS") database 36, a Web server application program 40, and gateway interface scripts 43. (*See* page 8, lines 17-21.) The SONETCAP application program may contain code for communicating with network elements 10A-10L for retrieving configuration data. (*See* page 8, lines 21-22.) The TL1 script database 38 may contain customized TL1 scripts corresponding to each type of network element on an optical network 12. (*See* page 8, lines 23-25.) Customized scripts may be utilized for each type of network element to account for peculiarities in implementation of the TL1 protocol. (*See* page 8, lines 25-26.)

In contrast, *Sanschagrin* at least does not disclose the aforementioned recitation. For example, *Sanschagrin* merely discloses a network management system used by network operators in day-to-day network management using a data synchronizer. (*See* Abstract, lines 1-2.) In *Sanschagrin*, the data synchronizer initiates an inventory verification request specifying data to be returned. (*See* Abstract, lines 3-4.) A request is then sent to a network manager and a record keeping system of interest. (*See* Abstract, lines 4-9.) The data synchronizer receives current inventory data from the network manager and compares the current inventory data and the inventory data from the record keeping system to determine data discrepancies. (*See* Abstract, lines 9-13.) The discrepancies can be corrected automatically or by an operator. (*See* Abstract, lines 13-17.) Consequently, *Sanschagrin* is completely silent regarding mass storage devices comprising a SONETCAP application containing instructions for communicating

with a network element and a TL1 script database including a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol.

In short, *Sanschagrin* does not anticipate the claimed invention because *Sanschagrin* at least does not disclose "maintaining a mass storage device, the mass storage device comprising a SONETCAP application, the SONETCAP application comprises instructions for communicating with the network element, a TL1 script database, the TL1 script database comprises a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol," as recited by amended Claim 1. Amended Claims 12 and 15 each includes a similar recitation. Accordingly, independent Claims 1, 12, and 15 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 12, and 15.

Dependent Claims 3-4, 14, 21, 23-24, and 26 are also allowable at least for the reasons described above regarding independent Claims 1 and 12, and by virtue of their respective dependencies upon independent Claims 1 and 12. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claims 3-4, 14, 21, 23-24, and 26.

II.   Rejection of Claim 5-7 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over *Sanschagrin* in view of U.S. Patent No. 5,870,558 ("*Branton*"). Dependent Claims 5-7 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended

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independent Claim 1, "maintaining a mass storage device, the mass storage device comprising a SONETCAP application, the SONETCAP application comprises instructions for communicating with the network element, a TL1 script database, the TL1 script database comprises a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol."

In contrast, *Sanschagrin* at least does not disclose the aforementioned recitation. For example, *Sanschagrin* merely discloses a network management system used by network operators in day-to-day network management using a data synchronizer. (*See* Abstract, lines 1-2.) In *Sanschagrin*, the data synchronizer initiates an inventory verification request specifying data to be returned. (*See* Abstract, lines 3-4.) A request is then sent to a network manager and a record keeping system of interest. (*See* Abstract, lines 4-9.) The data synchronizer receives current inventory data from the network manager and compares the current inventory data and the inventory data from the record keeping system to determine data discrepancies. (*See* Abstract, lines 9-13.) The discrepancies can be corrected automatically or by an operator. (*See* Abstract, lines 13-17.) Consequently, *Sanschagrin* is completely silent regarding mass storage devices comprising a SONETCAP application containing instructions for communicating with a network element and a TL1 script database including a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol.

Furthermore, *Branton* does not overcome *Sanschagrin's* deficiencies. For example, *Branton* merely discloses an intranet graphical user interface for SONET network management. (*See* Abstract, lines 1-6.) In *Branton*, a user requests a network

management system via a workstation coupled to a companywide Intranet. (*See* Abstract, lines 6-9.) The user, in *Branton*, can view predefined performance reports via a web browser on the workstation. (*See* Abstract, 9-12.) The user can submit batch or on-line requests. (*See* Abstract, lines 12-13.) Because *Branton* discloses predefined features, *Branton*, does not disclose customizable scripts corresponding to a network element. Consequently, *Branton* is completely silent at least regarding mass storage devices comprising a SONETCAP application containing instructions for communicating with the network element and a TL1 script database including a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol.

Combining *Sanschagrin* with *Branton* would not have led to the claimed invention because *Sanschagrin* and *Branton,* either individually or in combination, at least do not disclose "maintaining a mass storage device, the mass storage device comprising a SONETCAP application, the SONETCAP application comprises instructions for communicating with the network element, a TL1 script database, the TL1 script database comprises a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol", as included in dependent Claims 5-7. Accordingly, dependent Claims 5-7, each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of dependent Claims 5-7.

III.   Rejection of Claim 8-11, 22, 25, and 27 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 8-11, 22, 25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Sanschagrin* in view of *Branton*. Claim 8 has been amended, and Applicant respectfully submits that the amendment overcomes this rejection and adds no new matter.

Amended Claim 8 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "a mass storage device communicatively coupled to a network server comprising a SONETCAP application comprising instructions for communicating with the network element and a TL1 script database, comprising a customizable script corresponding to a network element to account for peculiarities in implementation of a TL1 protocol." Support for the amendments can be found in the specification at least on page 8, lines 11-26.

In contrast, and as stated above, *Sanschagrin* at least does not disclose the aforementioned recitation. For example, *Sanschagrin* merely discloses a network management system used by network operators in day-to-day network management using a data synchronizer. (*See* Abstract, lines 1-2.) In *Sanschagrin*, the data synchronizer initiates an inventory verification request specifying data to be returned. (*See* Abstract, lines 3-4.) A request is then sent to a network manager and a record keeping system of interest. (*See* Abstract, lines 4-9.) The data synchronizer receives current inventory data from the network manager and compares the current inventory data and the inventory data from the record keeping system to determine data discrepancies. (*See* Abstract, lines 9-13.) The discrepancies can be corrected automatically or by an operator. (*See* Abstract, lines 13-17.) Consequently,

Sanschagrin is completely silent regarding mass storage devices comprising a SONETCAP application containing instructions for communicating with a network element and a TL1 script database including a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol.

Furthermore, and as also stated above, *Branton* does not overcome *Sanschagrin's* deficiencies. For example, *Branton* merely discloses an intranet graphical user interface for SONET network management. (*See* Abstract, lines 1-6.) In *Branton*, a user requests a network management system via a workstation coupled to a companywide Intranet. (*See* Abstract, lines 6-9.) The user, in *Branton*, can view predefined performance reports via a web browser on the workstation. (*See* Abstract, 9-12.) The user can submit batch or on-line requests. (*See* Abstract, lines 12-13.) Because *Branton* discloses predefined features, *Branton*, does not disclose customizable scripts corresponding to a network element. Consequently, *Branton* is completely silent at least regarding mass storage devices comprising a SONETCAP application containing instructions for communicating with the network element and a TL1 script database including a customizable script corresponding to the network element to account for peculiarities in implementation of a TL1 protocol.

Combining *Sanschagrin* with *Branton* would not have led to the claimed invention because *Sanschagrin* and *Branton,* either individually or in combination, at least do not disclose "a mass storage device communicatively coupled to a network server comprising a SONETCAP application comprising instructions for communicating with the network element and a TL1 script database, comprising a customizable script corresponding to a network element to account for peculiarities in implementation of a

TL1 protocol", as recited by amended Claim 8. Accordingly, independent Claim 8 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 8.

Dependent Claims 9-11, 22, 25, and 27 are also allowable at least for the reasons described above regarding independent Claim 8, and by virtue of their dependency upon independent Claim 8. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 8-11, 22, 25, and 27.
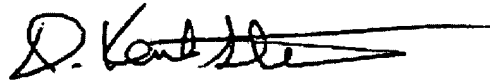
IV.   Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 13-2725.

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